

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Docket No. 3:12-cv-00456-MOC-DSC
(Consolidated with No. 3:12-cv-00474
and No. 3:12-cv-00624)

MAURINE NIEMAN,

Plaintiff,

v.

DUKE ENERGY CORPORATION,
JAMES E. ROGERS, ANN MAYNARD
GRAY, LYNN J. GOOD, STEVEN K.
YOUNG, WILLIAM BARNET III, G.
ALEX BERNHARDT, SR., MICHAEL G.
BROWNING, DANIEL R. DIMICCO,
JOHN H. FORSGREN, JAMES H.
HANCE, JR., MARC E. MANLY, E.
JAMES REINSCH, JAMES T. RHODES,
AND PHILIP R. SHARP,

Defendants.

**DECLARATION OF ELIZABETH A. ESPINOSA REGARDING
DEFENDANTS' COMPLIANCE WITH 28 U.S.C. § 1715**

I, Elizabeth A. Espinosa, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am admitted to the Bar of the State of New York and an attorney at Sidley Austin LLP, one of the counsel for Duke Energy Corporation, James E. Rogers, William Barnett III, G. Alex Bernhardt, Sr., Michael G. Browning, Daniel R. DiMicco, John H. Forsgren, Ann Maynard Gray, James H. Hance, Jr., E. James Reinsch, James T. Rhodes, Philip R. Sharp, Lynn J. Good, Steven K. Young and Marc E. Manly (collectively, "Defendants") in the above-captioned action.

2. I submit this declaration upon personal knowledge to demonstrate Defendants' compliance with the notice requirements of the Class Action Fairness Act of 2005, 28 U.S.C. §

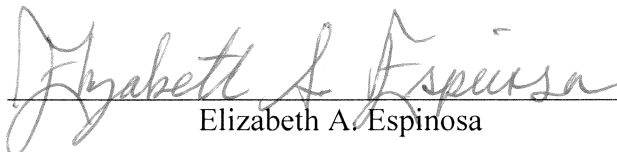
1715 (“CAFA”). A true and correct copy of the CAFA Notice, which consisted of a cover letter and a CD containing the documents specified by 25 U.S.C. § 1715(b)(1)-(8), is appended hereto at Exhibit 1.

3. On March 19 and 20, 2015, I caused the CAFA Notice to be served by Federal Express or United States Priority Mail Express on the appropriate federal and state officials listed in Exhibit B thereto. The delivery confirmations are attached hereto as Exhibit 2.

4. Upon discovery that the Office of the West Virginia Attorney General had been inadvertently omitted from the original CAFA Notice distribution list at Exhibit B—and although the CAFA Notice was sent to the Public Service Commission of West Virginia by United States Priority Mail Express on March 20, 2015—I caused the CAFA Notice and letter appended hereto at Exhibit 3 to be served by Federal Express on July 22, 2015. In addition, although the CAFA Notice was sent to the Office of the California Attorney General in Sacramento by United States Priority Mail Express on March 19, 2015, I caused another copy of the CAFA Notice and the letter appended hereto at Exhibit 4 to be served by Federal Express on the California Attorney General’s CAFA Coordinator in San Francisco on July 22, 2015. I, with colleagues at Sidley Austin, promptly advised Plaintiffs’ counsel of these circumstances and provided them copies of the aforementioned mailings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 29, 2015.


Elizabeth A. Espinosa